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UNITED STATES DEPARTMENT OF AGRICULTURE
Production and Marketing Administration
Grain Branch
Washington 25, D. C.

PROSECUTIONS AND SEIZURES UNDER THE FEDERAL SEED ACT
(January 1, 1949, to December 31, 1949 (190-207))

190. False labeling of garden bean seed. U. S. v. F. H. Woodruff and Sons, Inc., Douglas, Wyoming. Plea of guilty. Fine \$200. (F. S. 488)

F. H. Woodruff and Sons, Inc., Douglas, Wyoming, on February 5, 1946, delivered for transportation in interstate commerce from Douglas, Wyoming, to Mobile, Alabama, 15 bags of garden bean seed.

Information was filed in the District Court of the United States for the State of Wyoming alleging that F. H. Woodruff and Sons, Inc., unlawfully delivered for transportation in interstate commerce the above-mentioned shipment of seed in violation of the Federal Seed Act.

Labels attached to the bags represented the garden bean seed to have a germination of 84 percent; whereas, the seed was found to have a germination in May 1946 of 60 percent.

On January 10, 1949, F. H. Woodruff and Sons, Inc., entered a plea of guilty and the Court imposed a fine of \$200.

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191. False labeling of sorghum seed. U. S. v. Paul Allison and Cecil Marlow, operating as the Paul Allison Company, Fort Worth, Texas. Plea of nolo contendere. Fine \$150. (F. S. 504)

Paul Allison Company, Fort Worth, Texas, on June 10, 1947, delivered for transportation in interstate commerce from Fort Worth, Texas, to Enid, Oklahoma, 200 bags of sorghum seed.

Information was filed in the District Court of the United States for the Northern District of Texas alleging that the Paul Allison Company unlawfully delivered for transportation in interstate commerce the above-mentioned shipment of seed in violation of the Federal Seed Act.

Labels attached to the bags represented the sorghum seed to have a germination of 85 percent; whereas, the seed was found to have a germination in July 1947 of 49 percent.

On March 18, 1949, Paul Allison and Cecil Marlow, operating as the Paul Allison Company, Fort Worth, Texas, entered a plea of nolo contendere and the Court imposed a fine of \$150.

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192. False labeling of lespedeza seed. Excessive noxious-weed seeds. U. S. v. 12 bags of lespedeza seed. Seed seized, recleaned, and relabeled to comply with the Federal Seed Act. (F. S. 505)

Epting Distributing Company, Leesville, South Carolina, on February 25, 1948, delivered for transportation in interstate commerce from Leesville, South Carolina, to Darlington, Alabama, 12 bags of lespedeza seed.

A libel was filed in the District Court of the United States for the Southern District of Alabama praying seizure of the 12 bags of this seed and alleging same to be in violation of the Federal Seed Act.

Labels attached to the bags represented the seed to contain the noxious-weed seed, Johnson grass, at the rate of 18 per pound; whereas, the seed was found to contain Johnson grass seeds at the rate of 173 per pound. Agricultural seed containing in excess of 100 Johnson grass seeds per pound is prohibited from sale in the State of Alabama and therefore prohibited from shipment into that State under the Federal Seed Act. The seed was seized by the United States marshal.

On July 13, 1948, the seed was released to the claimant to be recleaned and relabeled to comply with the Federal Seed Act. On May 2, 1949, the Court ordered the claimant's bond canceled after being informed that the claimant had complied with the Court's decree.

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193. False labeling of lespedeza seed. U. S. v. Jack W. Derryberry, operating as the Jack W. Derryberry Seed Company, Nashville, Tennessee. Plea of nolo contendere. Fine \$250. (F. S. 508)

Jack W. Derryberry Seed Company, Nashville, Tennessee, on January 30, 1947, delivered for transportation in interstate commerce from Trenton, Tennessee, to Talladega, Alabama, 54 bags of lespedeza seed.

Information was filed in the District Court of the United States for the Middle District of Tennessee alleging that Jack W. Derryberry Seed Company unlawfully delivered for transportation in interstate commerce the above-mentioned shipment of seed in violation of the Federal Seed Act.

Labels attached to the bags represented the seed to have a germination of 65 percent and 25 percent hard seed; whereas, the seed was found to have a germination in March 1947 of 21 percent and 17 percent hard seed.

*On October 6, 1948, Jack W. Derryberry, operating as Jack W. Derryberry Seed Company, Nashville, Tennessee, entered a plea of nolo contendere and the Court imposed a fine of \$250.

*Reported to Production and Marketing Administration on August 23, 1949.

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194. Failure to label red clover seed. Excessive noxious-weed seeds. U. S. v. one bag of red clover seed. Seed seized and destroyed. (F. S. 512)

The Belt Seed Company, Baltimore, Maryland, on April 6, 1948, delivered for transportation in interstate commerce from Baltimore, Maryland, to Mountain City, Tennessee, four bags of red clover seed.

A libel was filed in the District Court of the United States for the Eastern District of Tennessee praying seizure of one remaining bag of this seed and alleging same to be in violation of the Federal Seed Act.

Labels attached to the bags failed to indicate the presence of noxious-weed seeds; whereas, the seed was found to contain the noxious-weed seed, buckhorn plantain, at the rate of at least 291 per pound. Red clover seed containing in excess of 100 buckhorn plantain seeds per pound is prohibited from sale in the State of Tennessee and therefore prohibited from shipment into that State under the Federal Seed Act. The seed was seized by the United States marshal.

On October 11, 1949, no claimant having appeared, the Court ordered the seed destroyed.

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195. False labeling of redtop seed. Excessive noxious-weed seeds. U. S. v. five bags, more or less, of redtop seed. Seed seized and destroyed. (F. S. 521)

J. M. Schultz Seed Company, Dieterich, Illinois, on September 16, 1948, delivered for transportation in interstate commerce from Dieterich, Illinois, to Shelbyville, Tennessee, eight bags of redtop seed.

A libel was filed in the District Court of the United States for the Eastern District of Tennessee praying seizure of five remaining bags of this seed and alleging same to be in violation of the Federal Seed Act.

Labels attached to the bags represented the seed to contain no noxious-weed seeds; whereas, the seed was found to contain oxeye daisy seeds at the rate of 198 per pound. Redtop seed containing in excess of 50 oxeye daisy seeds per pound is prohibited from sale in the State of Tennessee and therefore prohibited from shipment into that State under the Federal Seed Act. The seed was seized by the United States marshal.

On October 11, 1949, the Court ordered the seed destroyed and ordered the claimant to pay the court costs.

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196. False labeling of cowpea seed. U. S. v. W. H. Robinson, Inc., Cairo, Georgia. Plea of nolo contendere. Fine \$50. (F. S. 523)

W. H. Robinson, Inc., Cairo, Georgia, on April 5, 1948, transported and delivered for transportation in interstate commerce from Cairo, Georgia, to Atmore, Alabama, ten bags of cowpea seed.

Information was filed in the District Court of the United States for the Middle District of Georgia alleging that W. H. Robinson, Inc., unlawfully transported and delivered for transportation in interstate commerce the above-mentioned shipment of seed in violation of the Federal Seed Act.

Labels attached to the bags represented the seed to have a germination of 85 percent or better and to contain no hard seed; whereas, the seed was found in May 1948 to have a germination of 51 percent and 7 percent hard seed.

On May 16, 1949, W. H. Robinson, Inc., Cairo, Georgia, entered a plea of nolo contendere and the Court imposed a fine of \$50.

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197. False labeling and failure to label lespedeza seed. U. S. v. 548 bags of lespedeza seed. Seed seized, recleaned, and relabeled to comply with the Federal Seed Act. (F. S. 524)

Pace Seed Company, Cleveland, Mississippi, on December 29, 1948, delivered for transportation in interstate commerce from Cleveland, Mississippi, to Montgomery, Alabama, 600 bags of lespedeza seed made up of three different lots.

A libel was filed in the District Court of the United States for the Middle District of Alabama praying seizure of 548 remaining bags of this seed and alleging same to be in violation of the Federal Seed Act.

Labels attached to the bags in all three lots of seed failed to indicate the presence of the noxious-weed seeds, dodder, curly dock, and bottlebrush plantain, which were found to be present in varying amounts. Labels attached to at least 30 of the bags in one lot represented the seed to contain the noxious-weed seed, horsenettle, at the rate of 27 per pound; whereas, 20 bags of the seed were found to contain horsenettle seeds at the rate of 72 per pound and 10 bags of the seed were found to contain horsenettle seeds at the rate of 90 per pound. Labels attached to the bags in each "lot" of seed represented the seed in every bag to be of the same quality; whereas, every bag of seed in each of the three "lots" was not of uniform quality within permitted tolerances with respect to the rate of occurrence of noxious-weed seeds and was therefore not a part of the same lot of seed as defined under the Federal Seed Act. The seed was seized by the United States marshal.

On February 15, 1949, the seed was released under bond to the claimant to be recleaned and relabeled to comply with the Federal Seed Act.

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198. False labeling of vegetable seed. U. S. v. Robert Buist Company, Inc., Philadelphia, Pennsylvania. Plea of nolo contendere. Fine \$75. (F. S. 525)

Robert Buist Company, Inc., Philadelphia, Pennsylvania, on January 20, 1947, and January 21, 1948, and the D. Landreth Seed Company, Philadelphia, Pennsylvania, on February 6, 1948, delivered for transportation in interstate commerce from Philadelphia, Pennsylvania, to Wilmington, Delaware, various quantities of vegetable seeds.

Information was filed in the District Court of the United States for the Eastern District of Pennsylvania alleging that the Robert Buist Company, also doing business as the D. Landreth Seed Company, unlawfully delivered for transportation in interstate commerce various quantities of vegetable seeds in violation of the Federal Seed Act.

A summary of the kind of seed, amount shipped, date of shipment, manner of labeling, test results, and dates of tests is as follows:

<u>Kind of Seed</u>	<u>Amount</u>	<u>Date Shipped</u>	<u>Labeled</u>	<u>Found</u>	<u>Date Tested</u>
Onion	$\frac{1}{2}$ pound	1-20-47	75%	32%	4-47
Lettuce	1 pound	"	85%	27%	2-47
Lettuce	2 pounds	"	85%	60%	2-47
Kale	10 pounds	"	80%	46%	4-47
Sweet corn	100 pounds	"	90%	67%	4-47
Onion	$\frac{1}{2}$ pound	1-21-48	75%	23%	4-48
Garden bean	120 pounds	2-6-48	85%	58%	5-48

The labeling on the containers failed to show the words "Below Standard" as required under the Federal Seed Act for vegetable seed which germinates below the standards established under the Federal Seed Act. The germination standard established under the rules and regulations of the Federal Seed Act for onion seed is 70 percent, for lettuce seed, 80 percent, and for kale seed, corn seed, and garden bean seed, 75 percent.

On October 17, 1949, Robert Buist Company, Inc., Philadelphia, Pennsylvania, entered a plea of nolo contendere and the Court assessed a fine of \$25 on each of three counts, or a total of \$75.

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199. False labeling of rye seed and failure to maintain records. U. S. v. A. N. Levin, Chattanooga, Tennessee. Plea of nolo contendere. Fine \$400. (F. S. 526)

A. N. Levin, Chattanooga, Tennessee, on September 12, 1947, transported and delivered for transportation in interstate commerce from Chattanooga, Tennessee, to Gadsden, Alabama, 50 bags of rye seed.

Information was filed in the District Court of the United States for the Eastern District of Tennessee alleging that A. N. Levin unlawfully transported and delivered for transportation in interstate commerce the above-mentioned shipment of seed in violation of the Federal Seed Act and failed to make available a file sample as required under the act.

Labels attached to the bags represented the seed to consist, in part, of 99.04 percent pure seed, 0.10 percent weed seed, and 0.58 percent inert matter, and to contain no noxious-weed seeds; whereas, the seed was found to consist, in part, of 95.70 percent pure seed, 2.33 percent weed seed, and 1.36 percent inert matter, and to contain the noxious-weed seeds, cheat and wild onion, at the rates of 1,161 and 96 per pound, respectively. Agricultural seed containing in excess of 500 cheat or wild onion seeds per pound, singly or collectively, is prohibited from sale in the State of Alabama and therefore prohibited from shipment into that State under the Federal Seed Act.

On or about July 1, 1948, A. N. Levin did not make available upon request a file sample as part of the complete record of this lot of seed as required under the Federal Seed Act.

On April 6, 1949, A. N. Levin, Chattanooga, Tennessee, entered a plea of nolo contendere and the Court imposed a fine of \$200 on each of two counts, or a total fine of \$400.

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200. False labeling of barley seed and failure to maintain records. U. S. v. C. O. Muckey, operating as C. O. Muckey Seed Company, Lee's Summit, Missouri. Plea of nolo contendere. Fine \$50. (F. S. 527)

The C. O. Muckey Seed Company, Lee's Summit, Missouri, on September 15, 1948, transported and delivered for transportation in interstate commerce from Lee's Summit, Missouri, to North Little Rock, Arkansas, 20 bags of barley seed.

Information was filed in the District Court of the United States for the Western District of Missouri alleging that C. O. Muckey Seed Company unlawfully transported or delivered for transportation in interstate commerce the above-mentioned shipment of seed in violation of the Federal Seed Act and failed to make available a complete record as required under the act.

Labels attached to the bags represented the seed to contain the noxious-weed seed, chess, at the rate of 27 per pound and to consist, in part, of 0.30 percent weed seed; whereas, the seed was found to contain chess seeds at the rate of 596 per pound, and to consist, in part, of 1.03 percent weed seed.

On or about October 21, 1948, C. O. Muckey Seed Company did not make available, on request, a complete record of the purity of this lot of seed as required under the Federal Seed Act.

On August 1, 1949, C. O. Muckey, operating as C. O. Muckey Seed Company, Lee's Summit, Missouri, entered a plea of nolo contendere and the Court imposed a fine of \$25 on each of two counts, or a total of \$50.

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201. False labeling of lespedeza seed. Excessive noxious-weed seeds. U. S. v. 80 bags of lespedeza seed. Seed seized, recleaned, and relabeled to comply with the Federal Seed Act. (F. S. 528)

T. W. Wood and Sons, Richmond, Virginia, on February 11, 1949, delivered for transportation in interstate commerce from Richmond, Virginia, to Montgomery, Alabama, 100 bags of lespedeza seed.

A libel was filed in the District Court of the United States for the Middle District of Alabama praying seizure of this seed and alleging same to be in violation of the Federal Seed Act.

Labels attached to the bags represented the seed to contain the noxious-weed seed, dodder, at the rate of 96 per pound; whereas, the seed was found to contain the noxious-weed seeds, dodder, horsenettle, and curled dock, at the rate of 288, 72, and 54 per pound, respectively. Agricultural seed containing in excess of 200 dodder seeds per pound is prohibited from sale in the State of Alabama and therefore prohibited from shipment into that State under the Federal Seed Act. The seed was seized by the United States marshal.

On March 16, 1949, the seed was released under bond to the claimant to be recleaned and relabeled to comply with the Federal Seed Act.

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202. False labeling of mixed clover seed. Excessive noxious-weed seeds. U. S. v. Roy and Charles Fontaine, doing business as the Guaranty Seed Company, Bunkie, Louisiana. Plea of nolo contendere. Fine \$100. (F. S. 529)

Guaranty Seed Company, Bunkie, Louisiana, on August 15, 1947, delivered for transportation in interstate commerce from Bunkie, Louisiana, to Shawnee, Oklahoma, five bags of mixed clover seed.

Information was filed in the District Court of the United States for the Western District of Louisiana alleging that the Guaranty Seed Company, Bunkie, Louisiana, did unlawfully deliver for transportation in interstate commerce the above-mentioned shipment of seed in violation of the Federal Seed Act.

Labels attached to the bags represented the seed to contain the noxious-weed seed, sheep sorrel, at the rate of 54 per pound; whereas, the seed was found to contain sheep sorrel seeds at the rate of 1,797 per pound and buckhorn plantain seeds at the rate of 108 per pound. Agricultural seed containing in excess of 500 sheep sorrel seeds per pound or a total of 500 noxious-weed seeds per pound is prohibited from sale in the State of Oklahoma and therefore prohibited from shipment into that State under the Federal Seed Act.

On June 20, 1949, Roy and Charles Fontaine, doing business as the Guaranty Seed Company, Bunkie, Louisiana, entered a plea of nolo contendere and the Court imposed a fine of \$100.

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203. Failure to label timothy seed and rye seed. Excessive noxious-weed seeds. False labeling of two shipments of barley seed. U. S. v. Louisville Seed Company, Inc., Louisville, Kentucky. Plea of nolo contendere. Fine \$215. (F. S. 530)

Louisville Seed Company, Inc., Louisville, Kentucky, between August 21, 1947, and September 4, 1947, transported and delivered for transportation in interstate commerce from Louisville, Kentucky, to Sevierville, Tennessee, and Weaverville, Asheville, and Morganton, North Carolina, 50 bags of timothy seed, five bags of rye seed and a total of 35 bags of barley seed in two different shipments.

Information was filed in the District Court of the United States for the Western District of Kentucky alleging that the Louisville Seed Company, Inc., unlawfully transported and delivered for transportation in interstate commerce the above-mentioned shipments of seed in violation of the Federal Seed Act.

Labels attached to the bags of timothy seed failed to indicate the presence of noxious-weed seeds; whereas, the seed was found to contain buckhorn plantain seeds at the rate of 54 per pound.

Labels attached to the bags of rye seed failed to indicate the presence of noxious-weed seeds; whereas, the seed was found to contain cheat seeds at the rate of 304 per pound. At the time the shipment was made, rye seed containing in excess of 200 cheat seeds per pound was prohibited from sale in the State of North Carolina and therefore prohibited from shipment into that State under the Federal Seed Act.

Labels attached to the bags of barley seed represented the seed to have a germination of 90 percent; whereas, one shipment was found in September 1947 to have a germination of 26 percent and one shipment was found in September 1947 to have a germination of 19 percent.

On October 13, 1949, Louisville Seed Company, Inc., Louisville, Kentucky, entered a plea of nolo contendere and the Court imposed a fine of \$50 on each of four counts plus \$15 costs, or a total fine of \$215.

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204 False labeling and failure to label lespedeza seed. U. S. v. 53 bags of lespedeza seed. Seed seized, recleaned, and relabeled to comply with the Federal Seed Act. (F. S. 531)

Kuhlke Seed and Grain Company, Augusta, Georgia, on March 18, 1949, delivered for transportation in interstate commerce from Augusta, Georgia, to Montgomery, Alabama, 59 bags of lespedeza seed.

A libel was filed in the District Court of the United States for the Middle District of Alabama praying seizure of this seed and alleging same to be in violation of the Federal Seed Act.

No labels were attached to the bags at the time of interstate shipment. Labeling in the form of a telegram represented the seed to contain the noxious-weed seed, dodder, at the rate of 9 per pound; whereas, the seed was found to contain dodder seeds at the rate of 117 per pound. Individual bag samples taken from four separate bags were found to contain the noxious-weed seed, dodder, at the rate of 18, 32, 64, and 176 per pound, respectively. The seed was seized by the United States marshal.

On April 14, 1949, the seed was released under bond to the claimant to be brought into compliance with the Federal Seed Act.

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205. False labeling of timothy seed, redtop seed, and red clover seed. U. S. v. J. M. Schultz, operating the J. M. Schultz Seed Company, Dieterich, Illinois. Plea of guilty. Fine \$1000. (F. S. 532)

J. M. Schultz Seed Company, Dieterich, Illinois, between July 31, 1947, and December 29, 1947, transported and delivered for transportation in interstate commerce from Dieterich, Illinois, to Chattanooga, Shelbyville, Sparta, and Cookeville, Tennessee, and Charlottesville, and Alexandria, Virginia, 15 bags of redtop seed, 60 bags of red clover seed in two shipments, and 50 bags of timothy seed in three shipments.

Information was filed in the District Court of the United States for the Eastern District of Illinois alleging that J. M. Schultz Seed Company unlawfully transported and delivered for transportation in interstate commerce the above-mentioned shipments of seed in violation of the Federal Seed Act.

Labels attached to the bags of timothy seed and redtop seed represented the seed in all four shipments to contain no noxious-weed seeds. A 20-bag shipment of timothy seed was found to contain the noxious-weed seeds, buckhorn plantain and oxeye daisy, at the rate of 72 and 36 per pound, respectively. A 15-bag shipment of redtop seed was found to contain the noxious-weed seed, oxeye daisy, at the rate of 72 per pound. A 25-bag shipment of timothy seed was found to contain the noxious-weed seed, buckhorn plantain, at the rate of 60 per pound. A 15-bag shipment of timothy seed was found to contain the noxious-weed seed, buckhorn plantain, at the rate of 50 per pound. A 10-bag shipment of red clover seed was represented to consist, in part, of 99.30 percent pure seed and 0.20 percent other crop seed; whereas, the seed was found to consist, in part, of 93.22 percent pure seed and 6.13 percent other crop seed, including 5.14 percent sweetclover seed.

A shipment of 50 bags of red clover seed made to Alexandria, Virginia, was represented to contain no noxious-weed seeds; whereas, the seed was found to contain the noxious-weed seed, dodder, at the rate of 74 per ounce. Agricultural seed containing 12 or more dodder seeds per ounce is prohibited from sale in the State of Virginia and therefore prohibited from shipment into that State under the Federal Seed Act.

On December 20, 1949, J. M. Schultz, operating the J. M. Schultz Seed Company, Dieterich, Illinois, entered a plea of guilty and the Court imposed a fine of \$1,000 and costs.

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206. False labeling of velvet bean seed. U. S. v. 16 bags of velvet bean seed. Seed seized and ordered destroyed. (F. S. 533)

W. L. Helms, Buena Vista, Georgia, on March 4, 1949, delivered for transportation in interstate commerce from Buena Vista, Georgia, to Amite, Louisiana, 16 bags of velvet bean seed.

A libel was filed in the District Court of the United States for the Alabama Eastern District praying seizure of this seed and alleging same to be falsely labeled in violation of the Federal Seed Act.

Labels attached to the bags represented the seed to have a germination of 70 percent; whereas, the seed was found in April 1949 to have a germination of 49 percent. The seed was seized by the United States Marshal.

On July 14, 1949, no claimant having appeared, the Court ordered the seed destroyed.

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207. False labeling and failure to label lespedeza seed. Excessive noxious-weed seeds. U. S. v. 7 bags of lespedeza seed. Seed seized and ordered destroyed. (F. S. 535)

J. M. Wilson & Sons, Laurel, Mississippi, on February 18, 1949, delivered for transportation in interstate commerce from Laurel, Mississippi, to Elberta, Alabama, 100 bags of lespedeza seed.

A libel was filed in the District Court of the United States for the Southern District of Alabama praying seizure of this seed and alleging same to be in violation of the Federal Seed Act.

Labels attached to the bags represented the seed to consist, in part, of 98.15 percent pure seed, 0.10 percent weed seed, and no other crop seeds; to have a germination of 70 percent and 9 percent hard seed or a total germination and hard seed percentage of 79; and to contain no noxious-weed seeds; whereas, the seed was found to consist, in part, of 93.62 percent pure seed, 2.54 percent weed seed, and 3.18 percent other crop seed; to have a germination in April 1949 of 43 percent and 5 percent hard seed or a total germination and hard seed percentage of 48; and to contain the noxious-weed seed, dodder, at the rate of 297 per pound. Agricultural seed containing in excess of 200 dodder seeds per pound is prohibited from sale in the State of Alabama and therefore prohibited from shipment into that State under the Federal Seed Act. In addition, the labels failed to show a lot number or the name and address of the shipper as required under the Federal Seed Act. The seed was seized by the United States Marshal.

On October 27, 1949, no claimant having appeared, the Court ordered the seed destroyed.

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